

Applicants : Allan Green et al.  
Serial No. : 09/981,124  
Filed : October 17, 2001  
Page 7 of 8: Supplemental Amendment

REMARKS

Claims 41-43 and 50-67 were pending in the subject application. Applicants note that the Examiner has stated in the December 2, 2008 Advisory Action that Amendment to the claims to limit them to nucleic acids that encode exoxygenase would overcome the rejection. By this Amendment, applicants have hereinabove amended claims 41 and 57.

Applicants maintain that the amendments to the claims raise no issue of new matter. Accordingly, applicants respectfully request entry of this Amendment.

Summary of December 2, 2008 Advisory Action and Consequent Amendment

In the December 2, 2008 Advisory Action, the Examiner withdrew the claim rejection under 35 U.S.C. 112, second paragraph. The Examiner also stated on page 2 of the December 2, 2008 Advisory Action that, "Amendment of the claims to further limit them to nucleic acids that encode an exoxygenase would overcome the rejection..." By this Amendment, applicants have so amended the claims.

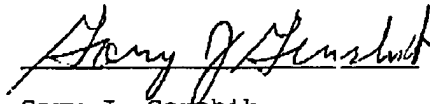
During a December 3, 2008 telephone conference with Examiner McElwain, applicants' undersigned representative confirmed that amending the claims as herein will place the subject application in condition for allowance. Accordingly, applicants are making this Amendment with the understanding that it will place the subject application in condition for allowance.

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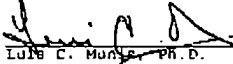
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No fee, other than the difference between the two-month and one-month extension of time fee, i.e. \$360.00, for a second-month extension of time, is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of any such additional fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being transmitted by facsimile on this date to:  
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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
 12/5/08  
Lyle C. Munya, Ph.D. Base  
December 5, 2008